

REISSUE PATENT

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

**REISSUE DECLARATION PURSUANT TO 37 C.F.R. § 1.175**

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

As below named inventors, we, Luke Robinson Magee, Mark Mason Hargett, and Mark James Kline, hereby declare that:

1. Our respective residence, post office address, and citizenship are as stated below adjacent to our names.

2. We believe that we are the original, first, and joint inventors of the subject matter which is described and claimed in U.S. Patent No. 6,648,866 B2 (hereinafter “the ‘866 patent”), issued on November 18, 2003, and for which a reissue patent is sought on the invention entitled “Absorbent Article Fastening Device,” the specification of which we understand is submitted herewith.

3. We have assigned the entire right, title, and interest in and to the '866 patent to The Procter & Gamble Company, as evidenced by an assignment recorded at the U.S. Patent and Trademark Office on January 10, 2002, at Reel

012467, Frame 0757. We understand that no other entity owns an undivided interest in the '866 patent.

4. We have reviewed and understand the contents of the '866 patent specification, including the claims, as amended by the "Preliminary Amendment Pursuant to 37 C.F.R. § 1.173," which we understand is being submitted herewith.

5. We verily believe the '866 patent to be partly inoperative or invalid by reason of our claiming more or less than we had a right to claim in the '866 patent.

6. Specifically, and as an example of one or more errors being relied upon as the basis for reissue, the '866 patent fails to include a claim depending from claim 14, wherein "the first tab and the second fastening member are prefastened by a mechanical bond" as now recited by new claim 18. Additionally, the '866 patent fails to include a claim depending from claim 14, wherein "the first fastening member is directly joined to the first waist region" as now recited by new claim 19. Accordingly, claims 18 and 19 are narrower than original claim 14.

7. In addition, and as another specific example of one or more additional errors being relied upon as the basis for reissue, the '866 patent fails to include a claim which omits the limitation of originally issued claim 12 calling for the "releasable tab to tab bond" to be between the first tab "outer surface" and the second tab "inner surface" but which otherwise tracks the limitations of issued claim 12, as is now set forth in new, broadened, claim 20. Further, and without wishing to be bound by the following as describing the sole broadening aspects of the new claims 21-48, and as an example of one or more additional errors being relied upon as the basis for reissue, the '866 patent fails to include one or more claims that are broader in some respects and possibly narrower in others relative to the original claims in regard to the recited fastening device and various elements related thereto.

8. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on our part.

**9.** We acknowledge a duty to disclose to the U.S. Patent and Trademark Office all information of which we are aware and which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56.

**10.** There are no prior or concurrent proceedings (such as interferences, reissues, reexaminations, or litigations) in which the '866 patent is or was involved.

**11.** As named inventors, we hereby appoint the attorneys listed in the attached Appendix to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

**12.** All communications concerning this application should be directed to:

Jay Krebs (Reg. No. 41,914)  
The Procter & Gamble Company  
Sharon Woods Technical Center  
11450 Grooms Road  
Cincinnati, Ohio 45242  
(513) 626-4856 (Telephone).

**13.** We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this reissue application, any reissue patent issuing thereon, or any patent to which this declaration is directed.

First Inventor's Signature:



Full Name of First Inventor:

Luke Robinson Magee

Date:

Apr. 1 20, 2004

Country of Citizenship:

United States

Residence/Post Office Address:

2847 Minto Avenue Apt. B  
Cincinnati, Ohio 45208

Second Inventor's Signature:



Full Name of Second Inventor:

Mark Mason Hargett

Date:

Apr. 21, 2004

Country of Citizenship:

United States

Residence/Post Office Address:

8145 Bruce Hills Drive  
West Chester, Ohio 45069

Third Inventor's Signature:



Full Name of Third Inventor:

Mark James Kline

Date:

4-21, 2004

Country of Citizenship:

United States

Residence/Post Office Address:

6318 Alert New London Road  
Okeana, Ohio 45053

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REISSUE APPLICATION BY THE ASSIGNEE,  
OFFER TO SURRENDER PATENT**

Docket Number: 8796E

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s)	Luke Robinson Magee, Mark Mason Hargett, Mark James Kline
Patent Number	US 6,648,866 B2
Date of Patent Issued	November 18, 2003
Title of Invention	Absorbent Article Fastening Device

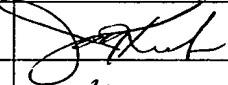
The Procter and Gamble Company is the assignee of the entire interest in the original patent.

I offer to surrender the original patent.

A certificate under 37 CFR 3.73(b) is attached.

I am authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Name of assignee	The Procter & Gamble Company
Signature of person signing for assignee	
Date of signature	4-21-2004
Typed or printed name of person signing for assignee	Jay A. Krebs
Title of person signing for assignee	Senior Counsel

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

**Statement Under 37 CFR 3.73(b)**

Applicant/Patent Owner	Luke Robinson Magee, Mark Mason Hargett, Mark James Kline
Application No./Patent No.	09/994,191/US 6,648,866 B2
Confirmation Number	8121
Filed/Issue Date	November 26, 2001/November 18, 2003
Entitled	Absorbent Article Fastening Device

The Procter & Gamble Company, a Corporation,

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_%

In the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on January 10, 2002, at Reel 012467, Frame 0757, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_ To: \_\_  
The assignment was recorded in the United States Patent and Trademark Office on \_\_, at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.
2. From: \_\_ To: \_\_  
The assignment was recorded in the United States Patent and Trademark Office on \_\_, at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.
3. From: \_\_ To: \_\_  
The assignment was recorded in the United States Patent and Trademark Office on \_\_, at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of life are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

4-21-2004

Date

Jay A. Krebs

Reg. No. 41,914



Signature

Senior Counsel  
Title

GLOBAL GENERAL ASSIGNMENT

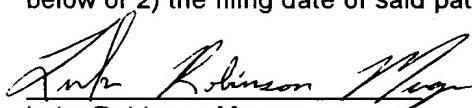
WHEREAS I/we, the undersigned inventor(s) herewith declare that I am the sole inventor/we are the joint inventors and I/we have made a certain invention as set forth in a patent application (including industrial designs and utility models) entitled AN ABSORBENT ARTICLE FASTENING DEVICE, Attorney's Docket No. 8796 and filed in the United States Patent Office as Number 09/944,191, on 11/26/2001 (the hereinafter named assignee being authorized to insert said Number and filing date when ascertained):

Luke Robinson Magee of Cincinnati, County of Hamilton, State of Ohio;  
Mark Mason Hargett of Cincinnati, County of Hamilton, State of Ohio;  
Mark James Kline of Okeana, County of Butler, State of Ohio.

I/We made said invention set forth in said patent application while employed by, or otherwise under an obligation to assign said invention to The Procter & Gamble Company or one of its Affiliates (including, Procter & Gamble Asia Pacific Ltd.; Procter & Gamble Australia Pty. Ltd.; Procter & Gamble Technology (Beijing) Co., Ltd.; Procter & Gamble Far East, Inc.; Procter & Gamble Hong Kong Ltd.; Procter & Gamble India, Ltd.; Procter & Gamble Indonesia; Procter & Gamble Korea, Inc.; Procter & Gamble Malaysia Sdn. Bhd.; Procter & Gamble Philippines, Inc.; Procter & Gamble Taiwan Ltd; Procter & Gamble Manufacturing (Thailand) Ltd.; Procter & Gamble (Guangzhou) Ltd.; P&G Northeast Asia Pte Ltd; Max Factor K.K.; P&G K.K.; Procter & Gamble Asia Pte. Limited; Procter & Gamble de Mexico; and Procter & Gamble de Venezuela) and acknowledge my/our obligation at the time the invention was made to assign said invention to The Procter & Gamble Company or the Affiliate, respectively. Pursuant to said obligation and (in the case of employment by or obligation to the Affiliate) at the request of the Affiliate, I/we assign to The Procter & Gamble Company, its legal representatives, successors and assigns, the entire right, title and interest (including the right to claim priority of the filing date of said patent application under international conventions) in said invention as set forth in said patent application, and in all patents of the United States and of any other country which may be issued for said invention, as fully and completely as the same would have been held by me/us had this assignment not been made. The entire right, title and interest shall vest irrevocably in The Procter & Gamble Company. I/We further agree upon request, without additional compensation but at no expense to me/us, to execute or assent to applications, and to execute all other legal documents as may be necessary or desirable to vest the enjoyment of the rights assigned to The Procter & Gamble Company, its legal representatives, successors and assigns, or as said Company may direct.

I/We request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention herein assigned and as set forth in U. S. Application Serial Number 09/944,191 (the hereinafter named assignee being authorized to insert said U.S. Serial Number when ascertained) to The Procter & Gamble Company, its legal representatives, successors or assigns, as the sole owner of the entire right, title, and interest in said patent and the invention and the invention covered thereby.

The ASSIGNMENT of said invention is effective as of the earlier of 1) the date of execution shown below or 2) the filing date of said patent application.



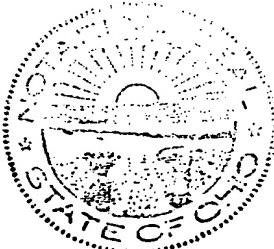
Luke Robinson Magee

11/28/01

Date

State of Ohio }  
County of Hamilton }

On this 28<sup>th</sup> day of November, 2001, before me personally appeared Luke Robinson Magee, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



BRIDGET J. BRINKMAN  
Notary Public, State of Ohio  
My Commission Expires Dec. 3, 2002

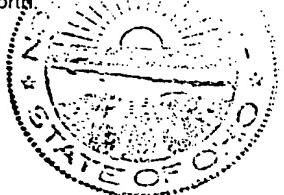
Bridget J. Brinkman  
Notary Public/Witness

Mark Mason Hargett

11/27/01

State of Ohio }  
County of Hamilton }

On this 27<sup>th</sup> day of November, 2001, before me personally appeared Mark Mason Hargett, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



BRIDGET J. BRINKMAN  
Notary Public, State of Ohio  
My Commission Expires Dec. 3, 2002

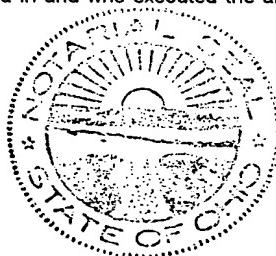
(Bridget J. Brinkman)  
Notary Public/Witness

Mark James Kline

11/27/01

State of Ohio }  
County of Hamilton }

On this 27<sup>th</sup> day of November, 2001, before me personally appeared Mark James Kline, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



BRIDGET J. BRINKMAN  
Notary Public, State of Ohio  
My Commission Expires Dec. 3, 2002

(Bridget J. Brinkman)  
Notary Public/Witness

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

**CONSENT OF THE ASSIGNEE PURSUANT TO 37 C.F.R § 1.172, STATEMENT  
UNDER 37 C.F.R. § 3.73(b) ESTABLISHING RIGHT OF ASSIGNEE TO TAKE  
ACTION, AND OFFER TO SURRENDER ORIGINAL PATENT**

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In conjunction with the Application for Reissue of U.S. Patent No. 6,648,866 filed herewith I, Ken K. Patel, declare the following upon information and belief:

1. The Procter & Gamble Company (hereinafter "the assignee") is the assignee and owner of the entire right, title, and interest in and to U.S. Patent No. 6,648,866 (hereinafter "the '866 patent" entitled ABSORBENT ARTICLE FASTENING DEVICE by virtue of an assignment recorded in the U.S. Patent and Trademark Office on January 10, 2002, at Reel 012467, Frame 0757.

2. The assignee believes that Luke Robinson Magee, Mark Mason Hargett, and Mark James Kline (hereinafter "the patentees") are the original, first, and joint inventors of the subject matter which is described and claimed in

the '866 patent issued on November 18, 2003, the specification of which is submitted herewith, and for which a reissue patent is sought.

3. The assignee seeks to take action in this matter and consents to the filing of the above-referenced reissue application seeking reissue of the '866 patent.

4. I am authorized to act on behalf of the assignee.

5. The title of my position with the assignee is "Associate General Counsel."

6. The assignee offers to surrender the original patent.

7. I declare that all statements made herein on the knowledge of the undersigned are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the references accompanying reissue application or any reissue patent granted thereon.

Signature:



Full Name of Person Signing: Ken K. Patel

Date: April 14, 2004

Title of Person Signing: Associate General Counsel

Assignee: THE PROCTER & GAMBLE COMPANY

Address of Assignee: 6090 Center Hill Road  
ATTN: Chief Patent Counsel  
Cincinnati, Ohio 45224